

**REMARKS/ARGUMENTS**

This paper is filed in response to the Office Action dated August 25, 2004. Entrance of the above amendments and consideration of the response herein is earnestly solicited.

**I. PRIOR ART MATTERS**

- A. The Office Action rejected claims 46-50 and 53 under 35 USC 103(a) as being unpatentable over Walker in view of Mancini. Applicant respectfully traverses the rejection.

The Examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness.<sup>1</sup> If the Examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of non-obviousness.<sup>2</sup>

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.<sup>3</sup>

Applicant respectfully traverses the § 103 rejection because the office action has not established a *prima facie* case of obviousness.

The references do not teach or suggest all the claim limitations.

Specifically, the Examiner has admitted that Walker does not teach a spring clip at the end of the strap engaging respective apertures. The Examiner relies on Mancini to supply the missing element, in particular item 77 of Mancini.

However, as to amended claim 46, Mancini does not teach a non-locking spring clip. The safety snap pin 70 and the spring clip 77 should be viewed together as providing a spring clip. The spring clip 77 "is provided to perform the safety function of the snap pin 70, wherein the spring clip 77 secures the pin 70 from dislodging after tube 73 is secured." Col.

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<sup>1</sup>MPEP Sec. 2142.

<sup>2</sup> Id.

<sup>3</sup>Id. (emphasis supplied)

5 lines 31-33. Thus, the clip 77 locks the pin 70 to the tube 73. Further as to new claim 55, the clip 77 of Mancini cannot be opened by one hand (see Fig. 3). The user would have to hold the pin 70 with one hand and then use the other hand to unfasten the clip 77 from the pin 70. Further as to new claim 56, Mancini does not teach a non-locking spring clip that further comprises a first, U-shaped portion engaging the selected one of the plurality of apertures and a second, tensile spring bar biased against the U-shaped portion, whereby the user opens the spring clip by pressing the tensile spring bar away from the U-shaped portion.

Thus, even if the teachings of Mancini were incorporated into Walker, as the Examiner suggests, the combined references still do not show all elements of the amended claim. In fact, Mancini teaches away from the claims as the pin 70 and clip 77 are disclosed as providing a safety feature to prevent the pin from inadvertently coming out of the selected aperture. Similarly, Walker teaches that the support cables are adjusted by "lock pin 3." Col. 2 lines 35-37.

Claims 47-54 depend from allowable claim 46 and are therefore also allowable.

- B. The Office Action rejected claims 51 and 52 under 35 USC 103(a) as being unpatentable over Walker in view of Mancini and further in view of Woller. Applicant respectfully traverses the rejection.

Claims 51 and 52 depend from allowable claim 46 and are therefore also allowable.

- C. The Office Action rejected claim 54 under 35 USC 103(a) as being unpatentable over Walker in view of Mancini and further in view of Woller. Applicant respectfully traverses the rejection.

Claim 54 depends from allowable claim 46 and is therefore also allowable.

Applicant asserts that the amendments to the claims and Specification do not introduce new matter, as all elements and limitations were shown in the originally filed drawings.

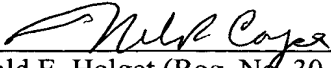
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Serial No. 10/664,109

Should the Examiner have any other questions or comments, he is cordially requested to telephone the undersigned. Otherwise, an allowance is respectfully requested.

Respectfully submitted,

Dated: 11-16-04

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**IN THE DRAWINGS:**

Fig. 8 has been amended to comply with the amended claims and specification by adding reference numerals 112 and 114.